

STATUTES AND ORDINANCES

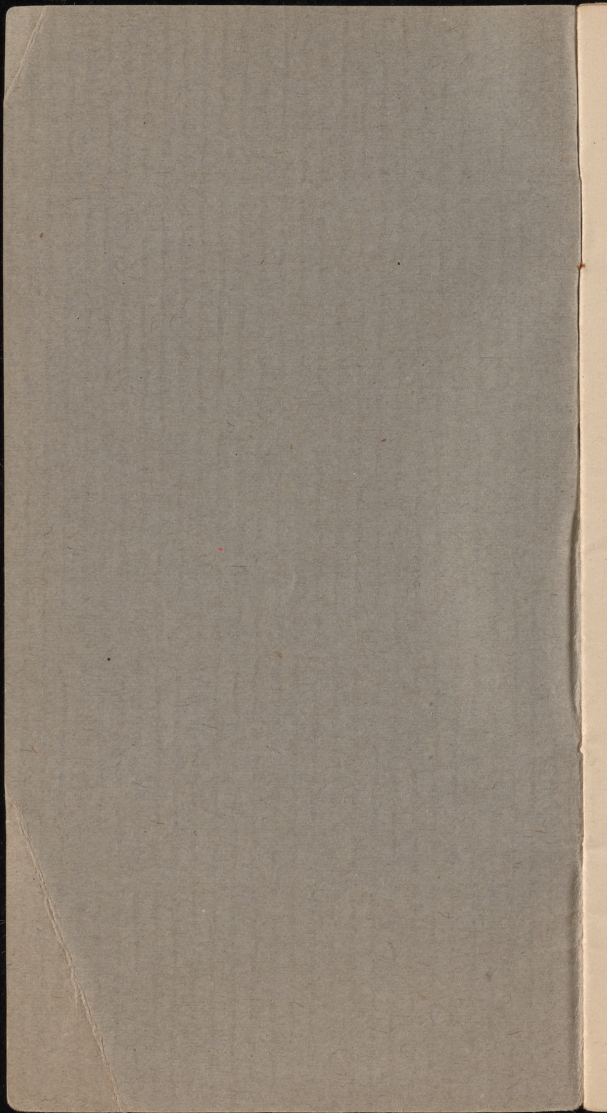


RELATING TO THE
RETAIL LIQUOR
BUSINESS IN SO-
NOMA COUNTY,
CALIFORNIA



COMPILED BY CLARENCE F. LEA
DISTRICT ATTORNEY

REPUBLICAN PRINT, SANTA ROSA, CAL.



TO SONOMA COUNTY LIQUOR DEALERS:

For the convenience of those engaged in the liquor business in Sonoma County, and with approval of the Board of Supervisors, I have collected in this booklet the provisions of the Penal Code and Statutes of the State relating to the sale of liquor and the conduct of places engaged in the retail liquor business. The new ordinance and all the ordinances of Sonoma County, relating to the same matter, are also included herewith. With the exception of a few provisions of the Codes not of general interest or application to the business in Sonoma County, this booklet contains practically all the legislative provisions of the law relating to the liquor business outside of the incorporated towns in the County.

As the Board of Supervisors do not meet until the first Monday in each month, which is usually after the first day of the month, applications for li-

censes should be filed at the meeting
of the Board previous to the first
month for which the license is desired.

Respectfully yours,

CLARENCE F. LEA,

District Attorney of So-
noma County, Cal.

Santa Rosa, November 9, 1909.



TITLE

Ordinance No. 82

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF SALOONS AND ANY AND ALL PLACES WHERE FERMENTAL, MALT, VINOUS, SPIRITUOUS OR INTOXICATING LIQUORS OR WINES ARE SOLD OR GIVEN AWAY OR OTHERWISE DISPOSED OF; AND FIXING THE FEES FOR SUCH LICENSES, THE METHOD OF ISSUING THE SAME; PRESCRIBING REGULATIONS OF SUCH PLACES AND FOR THE SALE AND DISPOSAL OF SUCH LIQUORS AND FIXING PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS.

The Board of Supervisors of the County of Sonoma do ordain as follows:

APPLICATION FOR LICENSE

Section 1. Any person, corporation, firm or association desiring to sell or

engage in the business of selling, offering for sale or giving away distilled, fermented, malt, vinous or other spirituous or intoxicating liquors or wines in any portion of this county lying without the corporate limits of any incorporated city or town of this county, shall first present to and file with the Clerk of the Board of Supervisors a written application for a license therefor, whereupon the Board, after due consideration of the same, may grant or reject said application. And be it further provided, that if said application be granted, it shall be upon the express condition that said applicant will keep a lawful, quiet, orderly and reputable house and place of business. And that said place of business shall not be conducted in violation of law or any of the ordinances of this county.

WHEN NO LICENSE REQUIRED

Section 2. No license, however, shall be required of physicians, surgeons or chemists for the sale of distilled, fermented, malt, vinous or other spirituous liquors or wines used in the preparation of medicines, or sold by

said physicians, surgeons or chemists to be used in the due course in the science of medicine; or by manufacturers or producers of such distilled, fermented, malt, vinous, or other spirituous liquors or wines, for the sale of their own manufacture or production, in quantities of not less than one gallon.

CITIZENSHIP REQUIRED

Section 3. No license herein provided for shall be granted to any person who is not now engaged in the liquor business in Sonoma County, unless at the time such license is applied for the applicant is a corporation, or a native or naturalized citizen of the United States.

LICENSE FOR EACH LOCATION

Section 4. A separate license must be obtained for each separate house or place of business at which the business herein mentioned shall be engaged in, or conducted.

TIME AND PLACE FOR WHICH GRANTED

Section 5. All licenses required by this ordinance shall commence on the

first day of January, April, July or October; and no license shall be issued for a shorter time than one year; except, that where an application for the renewal of an existing license is made, a license may be granted for three months; provided that all such licenses shall be granted only for a fixed place of business, and that no license shall be granted for the itinerant vending of intoxicating liquors, and such sale thereof is prohibited; provided, also, that when any person, corporation or association holding a license under this section, is compelled (by circumstances over which he or it had no control), to remove his or its place of business from one house, building or place, to another house, building or place, no new license for the unexpired portion of the term for which his or its license was required under this section, shall be required, provided, that such removal shall not be of greater distance than one mile from the place removed from.

TRANSFER OF LICENSE

Section 6. When any person, corporation or association having a fixed

place of business and holding a license for the transaction of the same, shall dispose of such business before such license shall have expired, and the party succeeding to said business desires to continue the same, the holder of such unexpired license, with the approval of the Board of Supervisors, may present the same to the tax collector, who shall write across its face with red ink the word, "Transferred." and also the name of the person, corporation or association to whom said business has been transferred and the date of the said transfer, and shall sign the same, and such license when so endorsed shall be a valid license (for the remainder of the term for which said license was issued), for the party to whom the same has been transferred. In no other case shall licenses issued under this ordinance be transferable.

LICENSE FEE

Section 7. For each license provided for by this ordinance a fee at the rate of Forty Dollars per quarter of three calendar months, shall be paid to the Tax Collector by the per-

son, corporation, association or party obtaining the same.

ISSUED BY TAX COLLECTOR

Section 8. The Tax Collector for Sonoma County shall, upon the written order of the Board of Supervisors of Sonoma County, and not otherwise, and only after payment therefor, issue all licenses herein referred to and charge and collect the license tax and fees therefor, and shall be liable upon his official bond as said Tax Collector, for the faithful performance of the duties herein specified.

Provided, however, the Tax Collector may issue such license without the written order of the Board of Supervisors, for any quarter of the calendar year, other than the first quarter thereof, if the applicant therefor is, at the time such application is made, a holder of a license for the same location for the then current quarter of the same calendar year.

PRINTED BLANKS

Section 9. The County Auditor must prepare and have printed blank licenses of all classes mentioned in this

ordinance for the term of three, six, and twelve months, with a blank receipt attached for the signature of the Tax Collector when sold.

RECORD AND FORM OF LICENSE

Section 10. The County Auditor must number and sign all licenses, and from time to time deliver them to the Tax Collector in such quantities as may be required, taking his receipt therefor, and charge him therewith, giving in the entry the numbers, classes and amounts thereof. Each license shall have a stub attached showing the number, class and amount of the license with blanks for date of sale, name of person to whom, and period for which sold, and the stub shall be filled out by the Tax Collector to correspond with the license when sold, and the stubs of licenses sold shall be preserved by the Tax Collector and returned by him to the Auditor, and the Auditor must preserve the same in his office.

LICENSE ACCOUNT

Section 11. The Auditor must keep in his office a ledger in which he must

keep the Collector's account for all licenses delivered to him, sold or returned unsold by him.

The correct statement of the Collector's license account shall be certified to the County Treasurer each month by the Auditor.

REPORT ON LICENSES

Section 12. On the first Monday in each month the Tax Collector shall make and return to the Board of Supervisors a full and complete report of all persons, firms, corporations or associations holding liquor licenses under this ordinance, and when the same was granted, and when the same will expire, together with the amount actually paid on said license; and said Tax Collector shall also in said report inform the Board of any and all persons, firms, corporations or associations of whom he has knowledge, or reason to believe, is conducting any business (for which a license is required under this ordinance), without a license.

FEEES OF COLLECTOR AND AUDITOR

Section 13. The Tax Collector shall be entitled to retain for his own use

ten per cent of all license money collected by him, which shall be in full payment for all services in the issuance and collection of same by the Tax Collector. That Tax Collector shall pay to the County Auditor, out of the money collected by said Tax Collector for licenses, the sum of fifty (50) cents for each license issued by him.

SELLING WITHOUT A LICENSE

Section 14. Every person or corporation who shall sell, or offer for sale, or engage in the business of selling or giving away, any distilled, fermented, vinous, or other spirituous or intoxicating liquors, or wines in said County of Sonoma, outside of the incorporated limits of any incorporated city or town therein, in any quantity whatsoever, without first having procured a license so to do from the Tax Collector of Sonoma County, as required by this ordinance, or dispose of any liquors in violation of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than fifty dollars, or more than

five hundred dollars, or by imprisonment in the county jail of Sonoma County, for not less than twenty-five days, or more than three months, or both.

REVOCATION OF LICENSE

Section 15. All licenses issued under this ordinance may be revoked at any time by the Board of Supervisors when in their judgment, good and sufficient cause exists therefor.

Section 16. Any person holding a liquor license who within three consecutive years, shall be three times convicted for violation of the laws of California or the ordinances of the Board of Supervisors of Sonoma County relating to the liquor business, shall upon such third conviction forfeit his license, and it shall thereupon be the duty of the said Board of Supervisors to revoke said license and said party so forfeiting such license shall not thereafter for one year, be granted a liquor license by said Board of Supervisors. The conviction of an agent or servant or representative of the holder of a license, for an act done while in the employ of such licensee in

conducting such liquor business, shall be included in estimating convictions under this section.

HOURS OF BUSINESS

Section 17. No person, corporation, firm or association engaged in the business of selling, offering for sale or giving away distilled, fermented, vinous, or other spirituous liquors or wines in said County of Sonoma, and outside the incorporated limits of any incorporated city or town thereof, shall keep such place of business open nor conduct, operate or carry on said business, nor sell, offer for sale, or give away any of said distilled, fermented, malt, vinous, or other spirituous liquors or wines between the hours of 12 o'clock midnight and five o'clock A. M. of the following day.

Any person violating this section or any provision thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by fine of not less than twenty dollars, nor more than three hundred dollars, or by imprisonment in the county jail of Sonoma County, not less than ten

days, nor more than three months, or both.

MINORS AND DRUNKARDS

Section 18. No proprietor or owner, or agent or servant of the proprietor or owner of a saloon, or person conducting the same, shall allow or suffer a minor under eighteen years of age to drink any intoxicating liquor in such saloon, or on such saloon premises; and it shall be the duty of every person engaged in any way in conducting a saloon, to refuse the sale or delivery of intoxicating liquors to any person addicted to the inordinate use thereof.

COMPLAINT TO BOARD

Section 19. Any peace officer of Sonoma County, or any five citizens of the County of Sonoma, may file with the Board of Supervisors a complaint in writing (which complaint in the latter case must be signed by each of said complainants, and must be duly verified by the oath of one of said complainants, who is a resident tax payer of said county), that any person, corporation or association is keep-

ing a noisy, boisterous, disorderly or disreputable house, or is conducting said place of business in violation of law or any of the ordinances of this county. Said complainant shall set forth the facts upon which the charge is based, and upon such complaint being filed, the Board of Supervisors shall at once fix a day for the hearing of the same and shall cause a notice in writing to be personally served upon the party thus complained against at least three days in advance of said hearing; said notice shall notify the said party of the time and place of the hearing of said complaint; and any such person, corporation or association so complained against who fails to appear at the hearing of said matter shall have his license revoked. But if the party complained against appear before the Board of Supervisors at the time set for the hearing of said matter, the Board must proceed to investigate the charges set forth in said complaint, and if upon such investigation it is found that the party complained of has been guilty of keeping a noisy, boisterous, disorderly or disreputable house, or is conducting said

house in violation of law, or any of the ordinances of this County, the said Board of Supervisors shall immediately revoke the license issued to the party thus found guilty and by order declare the same to be forfeited. And shall notify the Tax Collector of such revocation and forfeiture, and the party thus found guilty, or who has failed to appear before the Board of Supervisors at the time of hearing of the charges against him, shall be barred for the period of one year from the date of said order from obtaining a license for carrying on the same, or a like business in said County.

REPEAL OF FORMER ORDINANCES

Section 20. Ordinance No. 61, passed and adopted by the Board of Supervisors of Sonoma County on the 12th day of December, 1903, and also Ordinance No. 76, passed and adopted by said Board on the 12th day of October, 1907, so far as the same apply to the licensing and regulation of the sale and disposal of intoxicating liquors, are hereby repealed.

Section 21. This ordinance shall be in force and effect on and after twelve

o'clock midnight on the 31st day of December, 1909, and shall go into effect immediately so far as licenses hereafter granted for the year 1910, or any part thereof is concerned.

Passed and approved this 6th day of November, 1909, by the following vote:

Voting in favor of the adoption of the ordinance:

Supervisor Austin.

Supervisor Green.

Supervisor Hart.

Supervisor King.

Supervisor Patteson.

Voting against the passage of said ordinance:

None.

Absent:

None.

H. W. AUSTIN,
Chairman of the Board of Supervisors
of Sonoma County, California.

Attest: F. L. WRIGHT,
Clerk of the Board of Supervisors
of Sonoma County, California.

FURNISHING LIQUOR TO PERSONS OF INDIAN DESCENT

Every person in Sonoma County who directly or indirectly sells, gives, delivers, furnishes, or causes to be sold, given, delivered or furnished, any intoxicating liquor, (a) to any person of Indian descent, except persons of less than one-quarter Indian blood, and full blooded Indians, or (b) to any person of Indian descent who commonly lives or associates with a person or persons of one-fourth or more Indian blood, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine of not less than twenty dollars and not more than five hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.—Ordinance No. 78, Sonoma County.

FURNISHING LIQUOR TO DRUNK- ARD OR INDIAN

Every person who sells or furnishes or causes to be sold or furnished, intoxicating liquor to any habitual or

common drunkard or to any Indian is guilty of a misdemeanor.—P. C. 397.

SELLING TO DRUNKARD AFTER NOTICE

Any person who, after receiving notice that a person named in said notice is addicted to the inordinate use of intoxicating liquors, should the person named in said notice be so addicted, shall thereafter within a period of twelve months furnish to said person so addicted to the inordinate use of intoxicating liquors, any spirituous liquors, wines, or intoxicating or malt liquors, shall be guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine or (and) imprisonment. Said notice shall be in writing and may be given by any adult member of the family of said person so addicted to the inordinate use of intoxicating liquors, or by any adult relative of said person so addicted to the inordinate use of said intoxicating liquors.—Statutes 1889, page 352.

DELIVERY OF LIQUOR TO, OR PER- MITTING MINORS TO VISIT SALOON

Every person who sells, gives or delivers to any minor child, male or female, under the age of eighteen years, any intoxicating drink in any quantity whatsoever, or who, as proprietor or manager of any saloon or public house where intoxicating liquors are sold, permits any such minor child under the age of eighteen years, to visit said saloon or public house where intoxicating liquors are sold, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period not exceeding one hundred and fifty days, or by both such fine and imprisonment; provided, that this section shall not apply to the parents of such children, or to guardians of their wards.—P. C. 397b.

SENDING MINOR TO SALOON

Any person, whether as parent, guardian, employer, or otherwise and any firm or corporation who as em-

ployer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor under the age of eighteen, is guilty of a misdemeanor.—P. C. 273f.

PERMITTING MINOR TO GAMBLE

Every owner, lessee, or keeper of any house used in whole, or in part, as a saloon or drinking-place, who knowingly permits any person under twenty-one years of age to play at any game of chance therein, is guilty of a misdemeanor.—P. C. 336.

IMMORAL CONDUCT IN PRESENCE OF CHILD

Any person who in the presence of any child indulges in any degrading, lewd, immoral or vicious habits or practices, or who is habitually drunk in the presence of any child in his care, custody or control, is guilty of a misdemeanor.—P. C. 273g.

PAYING WAGES IN SALOON

Every person who shall pay any employee his wages, or any part thereof, while such employee is in any sa-

loon, bar-room, or other place where intoxicating liquors are sold at retail, unless said employee is employed in such saloon, bar-room, or such other place where intoxicating liquors are sold, shall be deemed guilty of a misdemeanor.—P. C. 680.

DISPLAYING OF LIQUOR ON ELECTION DAY

Every person keeping a public house, saloon, or drinking place, whether licensed or unlicensed, who sells, gives away, or furnishes spirituous or malt liquors, wine, or any other intoxicant, on any part of any day set apart for any general or special election, in any election district or precinct in any county of the state where an election is in progress, during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor.—P. C. 63b.

OFFICER INTOXICATED

Any officer of a town, village, city, county, or state, who shall be intoxicated while in the discharge of the duties of his office, or by reason of

intoxication is disqualified for the discharge of, or neglects his duties, shall be guilty of a misdemeanor, and on conviction of such misdemeanor shall forfeit his office; and in such case the vacancy occasioned thereby shall be filled in the same manner as if such officer had filed his resignation in the proper office, and it had been accepted by the proper authority; provided, such acceptance shall have been necessary to make the office vacant.—
P. C. p. 835.

RETAIL LIQUOR BILL FOR OVER FIVE DOLLARS

The purchase of, or the sale and delivery of any spirituous or malt liquors, wine, or cider, by retail, or by the drink, is hereby declared to be an invalid consideration for any promise to pay, or assumpsit of account therefor, when the amount of such account or demand exceeds five dollars.

No Court shall, in any action at law, render judgment for a greater amount than five dollars, for the sale at retail, or by the drink, of any spirituous or malt liquors, wine, or

cider, together with costs.—Statutes 1873-4, page 509.

ADULTERATION OF LIQUOR

Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated, or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to any drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor; provided, that no retail dealer shall be convicted under the provisions of this section if he shall prove a written guaranty of purity obtained from the person from whom he purchased such adulterated or diluted goods.—P. C. 382.

